

DETAILED ACTION

Current Status

1. Claims 1, 3-19 and 44 are pending in the application.
2. This action is responsive to Applicants' amendments of 5 March 2008.
3. Receipt and entry of Applicants' amendment is acknowledged.
4. The 102 rejection of claims 1, 3-19 and 44 under 35 U.S.C. 102(b) as being anticipated by Chen et al., {"Perfluoro- and 1,2,6,7 polyfluorosulphonic acids. 21. Synthesis of difluoromethyl esters using fluorosulphonyldifluoroacetic acid as a difluororcarbene precursor" Journal of Organic Chemistry, vol. 54, no. 13, 23 June 1989 (1989-06-23), pages 3023-3027} is withdrawn because the prior art reference cited do not teach all the claims' limitations.
5. The 102 rejection of claims 1, 3-19 and 44 under 35 U.S.C. 102(b) as being anticipated by Gagosz et al., {"A direct approach to 1-4, alpha-trifluoroamines", 7-18, Organic Letters, 22-43, vol. 5, no. 15, 1 July 2003 (2003-07-01), pages 2655-2657} is withdrawn because the date of publication is after the priority date, September 11, 2002 of the current application. In addition, the two authors of the Gagosz et al. publication (Fabien Gagosz and Samir Z. Zard) are also inventors of the current application.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary Mangels on 04/18/2008.

The Application has been amended as follows:

In claim 1, page 7, line 7 from the bottom, delete “, preferably fluorine”.

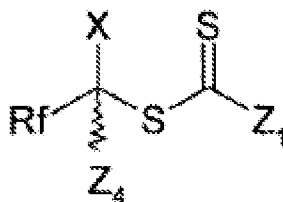
Claims 20-43 have been cancelled.

Allowed Claims

Claims 1, 3-19 and 44 are allowable over the prior art of record.

Reason For Allowance

The following is an examiner's statement of reasons for allowance: A search of the prior art failed to uncover any reference that anticipates or renders obvious a claim a compound of formula 1 as claimed by applicants, wherein all the variables are as defined in the claims.

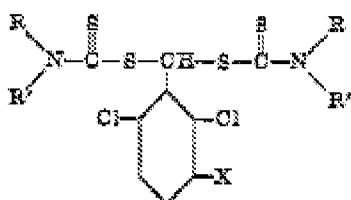


formula 1

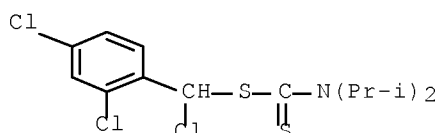
The closest prior arts are Gradsten et al., {US 3,266,882} and Hilton et al., {Phytotoxicity of herbicides as measured by root absorption, Weed Research (1964), 4(3), 216-22, see Abstract}. Gradsten et al. teach a compound of the general formula 2;

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wherein R, R' are alkyl group having from 1 to 4 carbon atoms and X is hydrogen or chlorine, see columns 3 and 4 while Hilton et al. teach a compound of the general formula 3, see Abstract.



formula 2



formula 3

Specifically, applicants claim a compound wherein the variable X is $-NZ_2Z_3$, $-OZ_5$ or halogen atom while Gradsten et al. a compound substituted with halogenated cyclohexane group. On the other hand, Hilton et al. teach a substituted aryl group, which is different from the variable Rf of the general formula 1. The prior arts' compounds are different from Applicants claimed compounds and the difference is not readily apparent and would not have been suggested to one of ordinary skill.

Claims 1, 3-19 and 44 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/YVONNE L. EYLER/
Supervisory Patent Examiner, Art Unit 1621

/Chukwuma O. Nwaonicha/
Examiner, Art Unit 1621